

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

October 11, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 09-11112

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALFONSO ERNESTO MOLINA,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:09-CR-76-1  
\_\_\_\_\_

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Alfonso Ernesto Molina has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Molina has filed a response. Our independent review of the record, counsel's brief, and Molina's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2. Molina's motions to

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

vacate the sentence and to remand the case to the district court for resentencing  
are DENIED.